

MINUTES

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

2/21/2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR 05-00321SOM
CASE NAME: USA vs. Joel Buentipo Castillo
ATTYS FOR PLA: Mark Inciong
ATTYS FOR DEFT: Reginald Minn
Neil Tsukayama (USPO)

JUDGE:	Susan Oki Mollway	REPORTER:	Debra Chun
DATE:	2/21/2006	TIME:	9:45 - 10:30

COURT ACTION: EP: Sentencing to Counts 1 and 2 of the Information -

Defendant Joel Buentipo Castillo present.

The Presentence Investigation Report and the USPO's recommendation are adopted by the Court, and placed under seal.

The Memorandum of Plea Agreement has been accepted by the Court.

Allocution by the Defendant.

ADJUDGED:

Imprisonment: 94 Months as to each of Counts 1 and 2, with both terms to be served concurrently.

Supervised Release: 5 Years as to each of Counts 1 and 2, with both terms to be served concurrently.

Special Assessment: \$200.00 (\$100.00 per count).

CONDITIONS:

- ▶ That the defendant shall abide by the standard conditions of supervision.
- ▶ That the defendant not commit any crimes, federal, state, or local (mandatory condition).
- ▶ That the defendant not possess illegal controlled substances (mandatory condition)
- ▶ That the defendant shall cooperate in the collection of DNA as directed by the probation officer.
- ▶ That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter but no more than 8 valid drug tests per month during the terms of supervision (mandatory condition).
- ▶ That the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- ▶ That the defendant shall participate in and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.
- ▶ That the defendant execute all financial disclosure forms, and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office.
- ▶ That the defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.
- ▶ Defendant is prohibited from participating in any form of gambling; being in the presence of any illegal or legal gambling; frequenting any business, residence, or area where gambling activities have occurred or are presently occurring; and associating with any persons engaged in gambling or any known gamblers.
- ▶ That the defendant submit to removal proceedings, including deportation or exclusion as required by the Department of Homeland Security. The defendant shall not enter the United States without proper authorization.

Defendant advised of his right to appeal

JUDICIAL RECOMMENDATIONS: 1) Camp at Sheridan; 2) 500 Hour Comprehensive Drug Treatment Program; 3) Vocational and Educational Programs.

Mittimus stayed until 4/10/06.

Defendant to self surrender @ 10:00 a.m. 4/10/06 at the facility designated by the BOP. The time is the time at the facility.

Government's Motion to Dismiss the Indictment in CR 04-00334 - Granted.

Submitted by: Toni Fujinaga, Courtroom Manager.